



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/675,382

09/30/2003

Jeyhan Karaoguz

14276US02

6840

23446 7590 12/06/2007  
MCANDREWS HELD & MALLOY, LTD  
500 WEST MADISON STREET  
SUITE 3400  
CHICAGO, IL 60661

EXAMINER

MENDOZA JR, JORGE

ART UNIT

PAPER NUMBER

4126

MAIL DATE

DELIVERY MODE

12/06/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/675,382	<b>Applicant(s)</b> KARAOGUZ ET AL.	
	<b>Examiner</b> JORGE MENDOZA JR	<b>Art Unit</b> 4126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09/30/2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

1. Claims **1-31** are presented for Examination.

### *Priority*

2. A reference to the prior application No. **60/432,472**, filed Dec.11, 2002; application No. **60/443,894**, filed Jan.30, 2003; application No. **60/457,179**, filed March 25, 2003; and application No. **60/443,897**, filed Jan.30, 2003 have been inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.76). The claim for benefit of relying on the filing date of the prior application under 35 U.S.C. 119(e), 120, 121, or 365(c) is acknowledged.

### *Information Disclosure Statement*

3. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. Incorporated references (Attorney Docket No. 14185US02 and Attorney Docket No. 14274US02) are disclosed in paragraph [02] of the specification.

### ***Specification***

4. The disclosure is objected to because of the following informalities: Information provided in paragraph [02] is incomplete. US Patent application numbers are missing in the Incorporated by Reference section and in the specification. Appropriate correction is required.

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification does not distinctly define the characteristics of each of the claimed processors of Claim **31**: a computer processor, a media peripheral processor, a media exchange system processor, a media processing system processor (paragraph [101]). Without further disclosure as to the distinctness of each claimed processor in Claim **31**, each claimed processor will be treated as indistinguishable and therefore the broadest reasonable interpretation of a processor will be used in the interpretation of Claim **31**.

### ***Drawings***

6. The drawings are objected to because reference character '**C**' of Figure 5 is labeling an incorrect location as stated in the specification. According to the paragraph [80] of the specification, reference character '**C**' should be labeling where 'the first party 501 accesses the third-party channel 504 using a media guide user interface 502 on a PC 503'.

7. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

9. Claims **1-31** are rejected under 35 U.S.C. 102(a) as being anticipated by **Griggs (US PG Pub 2002/0053081)**.

With respect to Claim **1**, the claimed “detecting available media; and constructing at least one display indicating the availability of said detected available media at a plurality of different storage locations” is met by Griggs that disclose a system in which content available from a plurality of content providers is detected and displayed using a schedule **100**, in which content providers (**S<sub>1</sub>**, **S<sub>2</sub>**, **S<sub>3</sub>**, and **S<sub>n</sub>**) along with their corresponding content data availabilities (**C<sub>1</sub>**, **C<sub>2</sub>**, **C<sub>3</sub>**, and **C<sub>n</sub>**) & additional programs available from the content providers (**C<sub>1</sub>'**, **C<sub>2</sub>'**, **C<sub>3</sub>'**, and **C<sub>n</sub>'**) are listed (Figs.1,2,& 3; paragraphs [0004], [0025],[0026],[0029], & [0032]).

With respect to Claim **2**, the claimed “further comprising presenting an indication of said plurality of different storage locations for said detected available media in said at least one constructed display” is met by Griggs that discloses the use of names and/or symbols to represent and distinguish the content providers (**S<sub>1</sub>**, **S<sub>2</sub>**, **S<sub>3</sub>**, and **S<sub>n</sub>**) provided in the schedule **100** (Fig.1; paragraphs [0004] & [0025]).

With respect to Claim **3**, the claimed “wherein said presented indication is at least one of text format, graphic format and audio format” is met Griggs that discloses the use of names and/or symbols to represent and distinguish the content providers (**S<sub>1</sub>**, **S<sub>2</sub>**, **S<sub>3</sub>**, and **S<sub>n</sub>**) provided in the schedule **100** (Fig.1; paragraphs [0004] & [0025]).

With respect to Claim **4**, the claimed “further comprising identifying at least one content category that is associated with said detected available media” is met by Griggs that discloses the identification of an on-demand category for one or more on-demand program providers (Fig.3; paragraph [0033]).

With respect to Claim **5**, the claimed "further comprising associating said presented indication of said plurality of different storage locations for said detected available media with said at least one content category" is met by Griggs that discloses the use of a programs schedule to display both content providers (**S<sub>1</sub>**, **S<sub>2</sub>**, **S<sub>3</sub>**, and **S<sub>n</sub>**) and an indication of which ones are on-demand providers (Fig.3; paragraphs [0032] & [0033]).

With respect to Claim **6**, the claimed "further comprising querying one of a provider of media and at least one storage device at said plurality of different storage locations for said available media" is met by Griggs that discloses the use of a broadcast content provider (**615**), a Content Provider 1 (**613**), a Content Provider 2 (**611**), and a Server 1 (**607**) which are all utilized in the creation of a program schedule (Fig.6; paragraphs [0004], [0012], [0042], [0051], [0052] & [0061]).

With respect to Claim **7**, the claimed "further comprising acquiring said available media from at least one of a media content provider and a media storage device" is met by Griggs that discloses numerous manners in which a system server directs the distribution of content data to a user upon its selection from the program schedule, one of which involves a Content Provider **1** (**511**) transmitting a program to a user at Device **1** (501) (Figs.5a, paragraph [0046], [0064]).

With respect to Claim **8**, the claimed "further comprising displaying said constructed at least one display on the television screen" is met by Griggs that discloses the use of a television in displaying the program schedule (Figs.4; paragraphs [0007], [0013], & [0041]).

With respect to Claim **9**, the claimed "further comprises formatting said constructed at least one display in a graphical user interface" is met by Griggs that discloses the use of a graphical user interface in displaying the program schedule (Figs.1-3; paragraphs [0061] & [0062]).

With respect to Claim **10**, the claimed "further comprising selecting at least a portion of said detected available media at said plurality of different storage locations for said construction of said at least one display" is met by Griggs that discloses a program schedule that can be generated through a list of user preferences, whereby a users likes and dislikes are taken into account for the creation of the program guide, for example a selectable filter can prevent all Western programs from being listed (Figs.1-3; paragraphs [0038], [0041], 0061)).

Claim **11** is met as previously discussed with respect to Claim **1**.

Claim **12** is met as previously discussed with respect to Claim **2**.

Claim **13** is met as previously discussed with respect to Claim **3**.

Claim **14** is met as previously discussed with respect to Claim **4**.

Claim **15** is met as previously discussed with respect to Claim **5**.

Claim **16** is met as previously discussed with respect to Claim **6**.

Claim **17** is met as previously discussed with respect to Claim **7**.

Claim **18** is met as previously discussed with respect to Claim **8**.

Claim **19** is met as previously discussed with respect to Claim **9**.

Claim **20** is met as previously discussed with respect to Claim **10**.



Claim **21** is met as previously discussed with respect to Claim **1**. Furthermore, Griggs discloses a server [505,525,545,607,707,807,811,910] utilized in the creation of a program schedule, for the storage of user preferences and for the transferring of program data to a user (Figs.5a-5c, 6-9; paragraphs [0012], [0042], [0043], & [0061]).

Claim **22** is met as previously discussed with respect to Claim **2**.

Claim **23** is met as previously discussed with respect to Claim **3**.

Claim **24** is met as previously discussed with respect to Claim **4**.

Claim **25** is met as previously discussed with respect to Claim **5**.

Claim **26** is met as previously discussed with respect to Claim **6**.

Claim **27** is met as previously discussed with respect to Claim **7**.

Claim **28** is met as previously discussed with respect to Claim **8**.

Claim **29** is met as previously discussed with respect to Claim **9**.

Claim **30** is met as previously discussed with respect to Claim **10**.

Claim **31** is met as previously discussed with respect to Claim **1**.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Putterman et al. (US Patent Application Publication US 2007/0220580)**

discloses the use of a user interface for a media convergence platform, where different types of media are presented on a single user interface.

**Marshall et al. (US Patent Application Publication US 2003/0237097)**

discloses the use of P2P technology in allowing a PVR to obtain copies of past broadcasts from a network of PVR's.

**Smith (US Patent Application Publication US 2002/0059163)** discloses a method of searching for media data across different media types and sources.

Art Unit: 2629

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jorge Mendoza Jr.** whose telephone number is (571) 270-5087. The examiner can normally be reached on Monday through Friday 7:30 am – 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Dennis Chow** can be reached at (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jorge Mendoza Jr.

December 3, 2007

/Lun-Yi Lao/  
Primary Examiner, Art Unit 2629